

## **CLAIMS AS THEY STAND**

**The unamended claims are included herewith for the Examiner's review, marked "unamended" while new claims are included, marked "new."**

1. (Amended) A process for measuring effectiveness of a web site having a test web page the process comprising:

designing one or more versions of the test web page;  
distributing requests to the various versions of the test web page according to a predetermined distribution function; and  
counting visits to one or more hyperlinks from each version of the test web page to determine a relative effectiveness of each version of the test web page.

2. (Unchanged) The process as recited in claim 1, wherein said predetermined distribution function is a sequential function.

3. (Unchanged) The process as recited in claim 1, wherein said predetermined distribution function is a random function.

4. (Amended) The process as recited in claim 1, wherein distributing requests comprises:  
receiving requests for the test web page;  
directing said requests to one of the versions of the test web page in accordance with the predetermined distribution function.

5. (Amended) The process as recited in claim 1, further comprising:  
repeating the process;  
after a preset number of repetitions, evaluating a success of each version of the test web page; and  
selecting a version having a highest success rate, and setting the test web page to the selected version.

6. (Amended) A process for directing requests for a test web page having a predetermined universal resource location (URL) comprising:  
designing one or more versions of the test web pages;  
distributing requests to a version of the test web page according to a predetermined distribution function wherein said requests are distributed by directing requests for the test web page to one of the versions of the test web page in accordance with a predetermined distribution function; and  
measuring a relative effectiveness of each version of the test web site, based on a success percentage.

7. (Unchanged) The process as recited in claim 6, wherein said predetermined distribution function is a random function.

8. (Unchanged) The process as recited in claim 6, wherein said predetermined distribution function is a sequential function.

PLEASE ADD THE FOLLOWING NEW CLAIMS

9. (New) A method of measuring the effectiveness of a web page having different versions, the method comprising:

displaying a version of the web page to a user, the version selected according to a predetermined distribution function;

for each version of the web page, counting occurrences of a desired behavior of the user to track the effectiveness of that version of the web page.

10. (New) The method of claim 9, further comprising, upon completion of testing:  
identifying an effective version of the web page based on the percentage of success of achieving the desired behavior; and

setting the web page to a most effective version of the web page.

11. (New) The method of claim 10, wherein the most effective version of the web page is not identical to any of the versions tested, and the most effective version of the web page includes features from more than one version of the web page.

12. (New) The method of claim 9, wherein versions of the web page may differ in one or more of the following: layout, images, content, links, hypertext elements, complexity.

13. (New) The method of claim 12, wherein each version of the web page only varies in one feature, such that each feature of the web page is independently tested for effectiveness.

14. (New) The method of claim 13, wherein the most effective version of the web page includes each feature having a highest rate of occurrences of the desired behavior.

15. (New) The method of claim 9, wherein the versions of the web page may be generated on-the-fly, when a request for the web page is received.

16. (New) The method of claim 9, wherein the versions of the web page are static web pages, generated in advance, and further comprising:

configuring the versions of the test page in effective parallel paths.

17. (New) The method of claim 9, wherein the successful response comprises one or more of the following: reading the web page, following a link, purchasing an item, filling-in a form, interacting with the web page, downloading data from the web page.

18. (New) A method of improving effectiveness of a web page comprising:

defining and prioritizing objectives of a web page;

determining a definition of success for each objective;

testing the web page, the testing comprising:

designing at least two versions of the target web page, focusing on the objectives; and

displaying a version of the target web page to a user, the version selected according

to a predetermined distribution function;

at a conclusion of the testing, identifying a success ratio for each objective.

19. (New) The method of claim 18, further comprising selecting the web page from a plurality of pages, the selecting comprising:

computing a priority ranking for each web page on the web site, based on the objectives; and

selecting a web page having a highest priority objective.

20. (New) The method of claim 18, wherein each version of the web page varies at least one aspect of the web page.

21. (New) The method of claim 20, wherein aspects of the web page include one or more of the following: layout, graphic, link, text.

22. (New) The method of claim 20, wherein the success ratio of each aspect is measured separately.

23. (New) The method of claim 22, wherein for each aspect of the web page, the version having the highest success ratio is chosen for the optimized web page.

24. (New) The method of claim 18, wherein each version of the target web page is dynamically generated in response to a request.

25. (New) The method of claim 18, wherein each version of the target web page is a static web page, generated prior to the testing.

26. The method of claim 18, wherein the successful response comprises one or more of the following: reading the web page, following a link, purchasing an item, filling-in a form, interacting with the web page, downloading data from the web page, clicking on a banner advertisement.

27. (New) A method of improving effectiveness of a web page comprising:  
defining a plurality of features of the web page;  
defining a successful user response for a feature of the web page;

designing a plurality of versions of the web page, each version varying one feature of the web page;  
directing users to one of the versions of the web page in accordance with a predetermined distribution function; and  
measuring the successful responses for the feature of the web page.

28. The method of claim 27, wherein the successful response is defined as interacting with the web page.

29. The method of claim 27, wherein the successful response comprises one or more of the following: reading the web page, following a link, purchasing an item, filling-in a form, interacting with the web page, downloading data from the web page.

30. (New) A computer data signal embodied in a carrier wave comprising:  
a web page display code segment to display a version of the web page to a user, the version selected according to a predetermined distribution function;  
an evaluation code segment to count the occurrence of a desired behavior of the user to track the effectiveness of each version of the web page.

## REMARKS

### Status of Claims under 37 CFR 1.173c

Claims 1-8 stand as issued claims. Claims 1, 4, 5 and 6 have been amended.

Claims 9 - 30 are newly presented claims for examination.

### Explanation of support under 37 CFR 1.173c

Support for applicant's newly presented claims are readily found in the patent specification in Figures 1 - 27 and the Specification, columns 5-12. The claims are for the same invention as that disclosed in the original patent, as required by 35 U.S.C. 251.

### Reason For Reissue

This reissue is filed because the patentee claimed more or less than he had a right to claim in the patent. Issued claims 1-8 fail to cover certain embodiments of the invention. The error arose during the drafting of the original application and during subsequent amendments in connection with the prosecution of the original application which resulted in the issuance of the patent. The error arose without any deceptive intention on the part of the applicants.

### Timeliness of the Reissue Application

This reissue application is filed within two years of the date of the original application, and thus under 35 U.S.C 251, diligence is presumed. Therefore, this reissue application is timely filed. There are no prior or concurrent proceedings that involve this patent.

### Conclusion

Applicants respectfully submit that these new claims do not add new matter and that all claims now pending are in condition for allowance. If the Examiner believes a telephone conference would expedite or

assist in the allowance of the present application, the Examiner is invited to call Judith A. Szepesi at (408) 720-8300, X269,

If there is a deficiency in fees, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 10/19/01

A handwritten signature in dark ink, appearing to read 'Judith A. Szepesi', written over a horizontal line.

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## AMENDED CLAIMS

### Indicating Changes Made

1. (Amended) A process for [optimizing the] measuring effectiveness of a web site having a test web page [with a predetermined uniform resource location (URL) and one or more linked web pages], the process comprising [the steps of]:

[(a) creating] designing one or more [alternate] versions of the test web page[s];

[(b) configuring said alternate web pages in effective parallel paths with the test web page;]

[(c)] distributing requests to [said] the various versions of the test web page [and said one or more alternate web pages] according to a predetermined distribution function; and

[(d)] counting [the] visits to [said] one or more hyperlinks [linked web pages by way of said] from each version of the test web page to determine a relative effectiveness of each version of the test web page [and said one or more alternate web pages; and]

[(e) replacing said test web page with said alternate page with the largest number of visits to said one or more linked pages].

4. (Amended) The process as recited in claim 1, wherein [step (c)] distributing requests comprises [the steps of]:

[(a)] receiving requests for [the URL for said] the test web page;

[(b)] [re]directing said requests to [the alternate web pages] one of the versions of the test web page in accordance with [a] the predetermined distribution function.

5. (Amended) The process as recited in claim 1, further [including the step:] comprising:

[(f)] repeating the process; [steps (a)-(e)].

after a preset number of repetitions, evaluating a success of each version of the test web page; and  
selecting a version having a highest success rate, and setting the test web page to the selected version.

6. (Amended) A process for directing requests for a test web page having a predetermined universal resource location (URL) comprising [the steps of]:

[(a) providing] designing one or more [alternate] versions of the test web pages;

[(b) configuring said alternate web pages in parallel paths with said test web page;]

[(c)] distributing requests to [said] a version of the test web page [and said alternate pages] according to a predetermined distribution function wherein said requests are distributed by [re]directing requests [from said] for the test web page to [the alternate] one of the versions of the test web page[s] in accordance with a predetermined distribution function; and

measuring a relative effectiveness of each version of the test web site, based on a success percentage.